

Before the
Federal Communications Commission
Washington, DC

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JAN 4 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

MM Docket No. 93-270

Amendment of Section 202(b),)

Table of Allotments,)

FM Broadcast Stations)

(Cordele, Dawson, Leary, Nashville,)

Hawkinsville, Cusseta, Cuthbert &)

Montezuma, Georgia))

RM-8323

RM-8339

To: Chief, Allocations Branch

**REPLY COMMENTS OF TRI-COUNTY BROADCASTING, INC.
and MONTEZUMA BROADCASTING**

SUMMARY

These are the Reply Comments of Tri-County Broadcasting, Inc. ("Tri-County") and Montezuma Broadcasting ("MB"). Tri-County and MB have filed a Counterproposal in this proceeding proposing upgraded service at Hawkinsville and Montezuma. Dawson Broadcasting Company has revised its proposal to propose moving its allotment to Leary, Georgia. As seen herein, this change of cities of license can be accomplished without interfering with Tri-County's and MB's proposed upgrades, and results in an overall beneficial allotment of channels. For these reasons these proposals should be granted.

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and MONTEZUMA BROADCASTING**

Tri-Country Broadcasting, Inc. ("Tri-County"), licensee of Station WQSY, and Montezuma Broadcasting ("MB"), by their attorney, hereby submit their comments with respect to the Comments and Counterproposals filed in this proceeding. With respect thereto, the following is stated:

Background

1. Radio Cordele, Inc. ("RCI") initially proposed the substitution of Channel 236A for Channel 252A at Cordele, Georgia, and the substitution of Channel 290A for Channel 236A at Montezuma, Georgia. RCI proposed this channel swap ostensibly to eliminate interference in the areas of Leesburg and Smithville, Georgia. Notice of Proposed Rule Making and Order to Show Cause, 8 FCC Rcd 7672, ¶ 2 (Ass't Chief, Allocations Branch 1993) ("NPRM"). John F. Tuck and Phonson Donaldson, Bankruptcy Court Appointed Receivers for Dawson Broadcasting Company ("DBC"), in turn, requested the same channel swap, together with an upgrade of Channel 251C3 for Channel 251A at Dawson, Georgia. DBC proposed

this channel swap in order to allow Station WAZE to expand its coverage area.

2. In response to these proposals, Tri-County and MB requested that the Commission amend the Table of Allotments as follows:

<u>Community</u>	<u>Current</u>	<u>Proposed</u>
Montezuma, GA	236A	280C3
Hawkinsville, GA	280C3	236C2
Cusseta, GA	279A	264A
Cuthbert, GA	264A	--

This would allow the Commission to approve the upgrade of two allotments, which would improve the ability for service to be provided to those communities and their surrounding areas. These objectives can be accomplished by allowing Montezuma and Hawkinsville to engage in a mutual swap of channels of allotment, namely deleting Channel 236A at Montezuma and instead allotting Channel 236C2 to Hawkinsville, and deleting Channel 280C3 at Hawkinsville and instead allotting Channel 280C3 to Montezuma. These channel swaps in turn can be accomplished by changing the allotment currently assigned to Cusseta from Channel 279A to Channel 264A, and deleting the vacant and unapplied-for Channel 264A allotment at Cuthbert. This proposal is mutually-exclusive with the proposals RCI and DBC initially proposed in this proceeding, insofar as their proposals to substitute Channel 236A for Channel 252A are short-spaced with the Hawkinsville C2 upgrade proposed by Tri-County.

3. Also in response to the NPRM, DBC proposed two options to supersede

its original proposal. First, as "Option I," it continues to propose to substitute Channel 236A for Channel 252A at Cordele, and to allot Channel 251C3 at Leary, Georgia in lieu of Dawson, Georgia, which would result in a change of city of license for Station WAZE(FM). These proposed changes continue to require the substitution of Channel 290A for Channel 236A at Montezuma, Georgia. Second, insofar as the proposed allotment of Channel 252C3 at Leary does not require any change of channels at Cordele, DBC's "Option II" proposes only the allotment of Channel 251C3 at Leary in lieu of Channel 251C3 at Dawson. This proposal does not require a substitution of channels at Montezuma. DBC's original proposal has been relegated as its new "Option III." Thus, each of DBC's "Options" propose one upgrade.

4. Finally, Tifton Broadcasting Corp. ("Tifton"), licensee of Station WJYF(FM), proposes to allot upgrade Channel 237C2 in lieu its present Channel 237C3 at Nashville, Georgia. Thus, solely adopting Tifton's proposal also results in only one upgrade in existing service.

5. As seen below, Tri-County's and MB's proposals would result in a preferential arrangement of frequencies and should be adopted. Adopting the proposal will allow for the allotment of two upgraded services, and also will allow for the adoption of DBC's proposal for new, upgraded service by Station WAZE(FM) to Leary, Georgia, as that community's first local service. Thus, overall, as seen below, adoption of Tri-County's and MB's proposal will allow for adoption of three upgrades, and additional service to 276,625 persons which is more new service than that proposed by any other petitioner -- and represents benefits far in excess of that

which would be provided through any other proposed allotment of channels. It also, incidentally, will allow the Commission to grant, in the event the Commission determines that such change-of-city-of-license is meritorious, new first service to the community of Leary. Therefore, the proposal of Tri-County Broadcasting, Inc. and Montezuma Broadcasting should be adopted.

Argument

6. As seen in the attached Engineering Statement, Tri-County's, MB's, and DBC's proposals all can be adopted, provided that the Commission adopt DBC "Option II." DBC "Option II" to allot Channel 251C3 at Leary is not mutually exclusive with any aspect of Tri-County's proposal to allot Channel 236C2 at Hawkinsville; or MB's proposals to allot Channel 280C3 at Montezuma and Channel 264A at Cusseta.

RCI's Proposal and DBC "Option I"

7. DBC "Option I," as well as RCI's proposal to exchange Channel 236A for Channel 252A, should be denied as contrary to the public interest. First, as seen in the attached Engineering Statement, contrary to RCI's claims, the proposal does not result in any immediate increase in service. In its original "Petition for Rule Making and Request for Order to Show Cause" ("RCI Petition"), RCI stated:

[T]he allocation of channel 251A at Dawson created...[a] problem for WKKN. This allotment placed the adjacent channels of 251A at Dawson and channel 252A at Cordele at the minimum distance separation. Although the allocation of Channel 251A at Dawson does not violate the Commission's minimum separation requirements, the interference that will be caused by the first adjacent channel station will greatly reduce WKKN's signal in the areas of Leesburg and Smithville. These

communities, and other areas southwest of Cordele, are vital to WKKN's economic survival.

* * * *

[T]he current adjacent WKKN interference problem can easily be corrected by substituting channel 236A for channel 252A at Cordele and substituting channel 290A for channel 236A at Montezuma.

RCI Petition at 3-4. There are three factual and legal fallacies with this argument. First, Channel 251A has been dark since its allotment at Dawson. Thus, it has been impossible for RCI to experience any "interference problem," and whether it indeed will encounter an "interference problem" in the future remains wholly speculative. Second, even if such "interference" were to begin to exist in those areas in the future, it would be "interference" which is not cognizable as interference under the Commission's Rules and to which it would be entitled to no protection. Specifically, as RCI notes, Channel 252A at Cordele is fully spaced with Channel 251A at Dawson. Petition at 3. Moreover, as seen in the attached Engineering Statement, the areas in which RCI claims it will experience an "interference problem" lie outside of RCI's 1 mV/m contour. Engineering Statement at ¶ 3. Section 73.209 of the Commission's Rules clearly states:

Permittees and licensees of FM broadcast stations are not protected from interference which may be caused by the grant of a new station, or of authorization to modify the facilities of an existing station, in accordance with the provisions of this subpart.

47 C.F.R. § 73.209(a). As the Commission stated in Arizona City, 4 FCC Rcd 5711 (MMB 1989), in denying a similar request:

In general...where a station requests a change in its own facilities designed to reduce the potential for interference,

contour overlap may be used to demonstrate the existence of interference, in particular, where a station's predicted service contour is overlapped by the by the predicted interference contour of another station. Such interference is said to exist between most classes of FM co-channel stations (including Classes A and C2, at issue in this case) when the 60 dBu service contour of the affected station is overlapped by the 40 dBu interference contour of another co-channel station. While the demonstration of interference does not, by itself, entitle one to relief, its existence can serve as support for an assertion that harmful interference does exist and that a station's signal could be improved by changing to another channel.

* * * *

[The petitioner's] supplement does not substantiate the existence of interference, as said to exist under the contour overlap method, and, thereby, the public interest need for a channel substitution.

Id. at 5712 ¶¶ 7, 8 (footnotes omitted). The proposed channel change was denied.

Id. The pertinent protected/interfering contours here, for first-adjacent channels, are the 60 dBu and the 54 dBu contour. 47 C.F.R. § 73.215. RCI has not shown that there would be any predicted overlap between WKKN's protected 60 dBu contour and WAZE's interfering 54 dBu contour in the communities of "Leesburg" or "Smithville." Moreover, removal of the Channel 251 to Leary (as proposed by DBC) will itself eliminate the "interference" that RCI fears. Thus, since the Cordele/Dawson allotments are fully-spaced and there is no evidence that its protected/interfering contours overlap in an objectionable manner, RCI is not entitled to protection from interference to areas outside of its protected 1 mV/m contour. Thus, RCI is not entitled to the relief that it seeks.

8. Finally, RCI's latest pleading filed in this proceeding, namely its "Comments and Expression of Interest" ("RCI Comments") reveals what apparently

was the primary motivation underlying its original filing. Specifically, in its Comments, RCI "enters into the record" (but does not adopt as part of its proposal) the fact in the event Channel 236A is allotted to Cordele (to replace its current Channel 252A), at some later date Channel 236A can be upgraded to Channel 236C3 at Cordele by filing a "one-step" upgrade application (and applying Section 1.420(g)(3)). Consequently, rather than stating that it would be interested in any channel combinations that would eliminate its hypothetical "interference problem," RCI instead reveals what apparently was the true motivation underlying its Petition, and states:

RCI is interested in any channel combinations that will allow for the deletion of channel 252A at Cordele and lead to the upgrade of WKKN. However, it is not interested in any scenarios that will allow for competing applications for its licensed facilities.

RCI Comments at 5. As the attached Engineering Statement confirms, RCI can not accomplish a one-step upgrade from Channel 252A -- any proposed upgrade of WKKN (i.e., from Channel 252A directly to Channel 236C3) would require the Commission to accept competing expressions of interest pursuant to Section 1.420(g)(3). Engineering Statement at ¶ 2. Therefore, RCI is attempting to abuse the Commission processes by attempting to do indirectly that which its cannot do directly, namely, to upgrade to a non-adjacent channel without the acceptance of competing expressions of interest, through a two-step process -- (1) to allege the existence of "interference" which is hypothetical at best, and which in any event is beyond the scope of Commission protection under the Commission's Rules, thereby creating a false justification for a change of Class A channels; and (2) to then

accomplish the non-adjacent upgrade it was ultimately seeking by filing what would then be a co-channel upgrade which, under the Commission's new rules, could then be authorized by filing a one-step co-channel upgrade application.

9. In short, RCI is attempting to manipulate the Commission's allotment processes in an improper manner to receive benefits (namely, an upgraded operation which is protected from competing expressions of interest) to which it is not entitled. For all these reasons, RCI's proposal, as to the extent it is incorporated therein, Options I and III as filed by DBC, should be denied. Most importantly, the proposal does not provide for any improved service, and in fact, adoption of the proposal would allow to occur an abuse of the Commission's processes.

DBC's "Option II" and Tri-County's and MB's Proposals

10. In contrast, DBC's currently reconfigured proposal for Station WAZE ("Option II") should be adopted. The primary thrust of DBC's proposal is to change to city of license and to upgrade the service that can be provided by Station WAZE(FM) by deleting Channel 251A at Dawson and reallocating the frequency at Leary, Georgia as Channel 251C3. As DBC notes, adoption of this modified proposal by DBC will not in any way necessitate any change of frequencies at any other community, and most notably, will not any longer require (or allow) Channel 252A at Cordele to be changed to Channel 236A. As noted above, disapproving that change is in the public interest. Moreover, the removal of that aspect of DBC's proposal allows for the adoption of the Tri-County/MB proposal, whereby Channel 236 is instead used to upgrade Station WQSY to Channel 236C2 at Hawkinsville,

which also allows Channel 236A to be upgraded to Channel 280C3 at Montezuma.

11. Adoption of each and every aspect of this combined proposal would be in the public interest. First of all, DBC's proposal to change the city of license of WAZE(FM) would clearly be in the public interest. The Commission's has an established allotment criteria which was set forth initially in Revision of FM Assignment Policies and Procedures, 90 F.C.C.2d 88 (1982), which establish the following allotment priorities:

- (1) first full-time aural service
- (2) second full-time aural service
- (3) first local service
- (4) other public interest matters;

Co-equal weight is given to priorities (2) and (3). When a station is seeking to upgrade its facilities' allotment, as part of its analysis of "other public interest matters," the Commission considers the extent to which proposed changes to the Table of Allotments will provide for the ability of a station to provide service to an expanded population (Greenup, KY, and Athens, OH, 2 FCC Rcd 4319, 4321 (Chief, Policy and Rules Div. 1989)) or first full-time local service (Implementation of MM Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments, 49 Fed Reg. 11,214 ¶ 14 (March 14, 1984)) using the fourth of the Commission's allotment priorities. Petitioners seeking a change in the community of license of an allotment must demonstrate that approval of the proposal will result in a preferential arrangement of allotments. Amendment of the Commission's Rules Regarding

Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870, 4873 ¶ 25 (1989), recon. denied in relevant part, 5 FCC Rcd 7094 (1990).

12. Adoption of the DBC proposal will allow DBC to provide first full-time local service (Allotment Priority 4) to Leary, Georgia. Additionally, Leary is not currently served by WAZE(FM). Engineering Statement at ¶ 5. Thus, unlike the situation in Van Wert, OH and Monroeville, IN, 7 FCC Rcd 6519, 6520 ¶ 11 (Chief, Allocations Branch 1992), where stations had the ability already to provide service to the new proposed community even without grant of the proposed community change, adoption of this proposal will allow WAZE truly to provide new local service to its new community. Moreover, adoption of the proposal will not result in its present community of allotment being deprived of service. As noted by DBC, WHIA(AM) continues to be allotted to Dawson.¹ Thus, the proposed deletion of Channel 251A from Dawson will not improperly deprive the community of its sole local aural transmission service. Hampton and Petersburg, IA, 7 FCC Rcd 7559 (Chief, Allocations Branch 1992). Additionally, as seen in the Attached Engineering

¹ The fact that Station WHIA(AM) currently is not operating is irrelevant. Under Commission precedent, in determining whether an allotment provides "service" the Commission will assume that service will be provided, even from existing allotments that are not the locus of operating broadcast operations. Greenup, Kentucky and Athens, Ohio, 68 R.R.2d 1437, 1440 ¶ 11 (1991). In any event, DBC, as the licensee of that station, has pledged to restore service from that station prior to the conclusion of this rulemaking proceeding. DBC Comments at 4. This pledge is full accord with existing Commission policy. Nowata and Collinsville, OK, 7 FCC Rcd 5178, ¶ 4 (Ass't Chief, Allocations Branch 1991). Thus, grant of this proposal will not result in the removal of Dawson's only existing broadcast transmission service.

Statement, following the upgrade and reallocation, WAZE can continue to provide 60 dBu service to the majority of Dawson, its former community of license. Thus, unlike the case of Blackville, Branchville, Estill, Georgetown, Kiawah Island, Moncks Corner, and Walterboro, SC, and Richmond Hill, GA, 7 FCC Rcd 6522, ¶ 3 (Chief, Allocations Branch 1991), where a proposed reallocation was denied, the station's existing community will continue to receive service from the petitioner's station even following grant and effectuation of the proposed reallocation. The Leary re-allocation is in accord with Commission allocation policies for this reason, as well. As seen in the attached Engineering Statement, this re-allocation has a slight theoretical "loss area" when comparing the 60 dBu contour of Channel 251A and the proposed 60 dBu contour of Channel 251C3 at Dawson. Engineering Statement at ¶ 7. That fact is not in any way fatal to the proposal. Although the Commission has stated:

The public has a legitimate expectation that existing service will continue, and this expectation is a factor we must weigh independently against the service benefits that may result from reallocating a channel from one community to another"

Amendment of the Commission's Rules Regarding Modification of FM and TV

Authorizations to Specify a New Community of License, 5 FCC Rcd 7094, 7097

(1990), that policy does not pose an impediment in this case. In this case, no "existing service" or disruption to the public's existing listening habits will occur. Channel 251A at Dawson is not on the air, and in fact, has not yet commenced operations. Thus, no "existing service" will be removed. Additionally, the Leary allocation will allow WAZE to provide service to 93,424 more persons that it would serve from its present allocation on Channel 251A. Thus, DBC's proposal will

provide new, expanded service, which also advances Allotment Priority 4.

13. As seen in the Attached Engineering Statement, Leary is not within any Urbanized Areas. Thus, the proposed reallocation will result in a preferential arrangement of allotments, and is in accord with the Commission's rules and policies.

Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd at 4873 ¶ 25; Hampton and Parkersburg, IA, 7 FCC Rcd 7559 (Chief, Allocations Branch 1992). For this reason, as well, the proposal should be granted.

14. Moreover, as noted above, adoption of the DBC Option II has the added benefit of permitting the simultaneous grant of Tri-County's proposal to allot Channel 236C2 at Hawkinsville, and Channel 280C3 to Montezuma. As noted in the Tri-County/MB Counterproposal, adoption of these mutually-exclusive upgrade proposals are consistent with the Commission's "incompatible channel swap" policy, and further, will allow for the provision of significant upgraded service of those channels. Adoption of the proposals will allow WQSY to provide service to an increased area encompassing 3764.1 sq. km. and 126,441 persons, and for MB to provide service to Montezuma to an area that encompassing 4768.1 sq. km., which will allow service to 56,760 more persons that currently would be served from the community's current allotment. With respect to Tri-County's proposal, WQSY's existing service contour will be entirely encompassed by the new proposed service contour -- thus, no disruption to the public will result. Engineering Statement ¶ 10. Similarly, the service contour that will be generated by MB's commencement of service on Channel

280C3 at Montezuma will entirely encompass the service that would have been provided by service on Channel 236A. Engineering Exhibit at ¶ 11. Therefore, it is clear that no even potential service will be removed.

15. In all, Tri-County's and MB's proposals will provide expanded service (Allotment Priority 4) to areas with populations of 183,201 persons.

16. In total, the simultaneous adoption of the RCI proposal and DBC Option I would result in the ability of one station to provide first new local service (Allotment Priority 3) and one station to provide new improved service, to 93,424 additional persons (Allotment Priority 4). The simultaneous adoption the RCI proposal and DBC Option III would provide no first local service, and will provide new improved service, to 105,144 (Allotment Priority 4).

17. In contrast, the simultaneous adoption of DBC Option II and the Tri-County/MB proposal will result in the ability of one station to provide first new local service (Allotment Priority 3), and for service to be improved on three allotments, to a total of 276,625 persons (Allotment Priority 4). Thus, the grant of the Tri-County/MB proposal along with the adoption of DBC Option II provides greater public benefits over any as would be provided by grant of RCI's proposal, or by grant of any of DBC's other Options.

RCI's, Tri-County's, and TBC's Proposals

18. As seen in the attached Engineering Statement, TBC's proposal is mutually exclusive both with RCI proposal to allot Channel 236A to Cordele, as well as Tri-County's proposal to allot Channel 236C2 to Hawkinsville. Engineering

Statement at ¶ 9. As between all three proposals, Tri-County's proposal is superior. TBC's proposal, standing alone, proposes new improved service to only 79,565 persons. Engineering Statement at ¶ 9. RCI's proposal will result in the provision of no new service. Tri-County's proposal, however, would allow Tri-county to provide new improved service to 126,441 persons, and also will allow MB to provide new increased future service to 55,760 persons over that presently allotted. Thus, since the Tri-County/MB proposal will provide service to a greater number of new persons, their proposals should be preferred.²

WHEREFORE, it is respectfully requested that the proposal of Tri-County Broadcasting, Inc. and Montezuma Broadcasting be adopted, that the Commission allow Montezuma and Hawkinsville to engage in a mutual swap of channels of allotments, namely deleting Channel 236A at Montezuma and instead allotting Channel 236C2 to Hawkinsville, and deleting Channel 280C3 at Hawkinsville and instead allotting Channel 280C3 to Montezuma; that the Commission further change the allotment currently assigned to Cusseta from Channel 279A to Channel 264A, and to delete the vacant and unapplied-for Channel 264A allotment at Cuthbert. Further, it is proposed the in the event it is determined that WAZE can change its city of license in accordance with the Commission's policies concerning changes in cities of license, that the Commission also delete Channel 251A

² In Greenup, the Commission stated that when comparing upgrade proposals under Priority Four, it will continue to consider simply differences in the number of persons to be newly served by each proposal unless provided with information which discounts that presentation. Greenup, Kentucky and Athens, Ohio, 68 R.R.2d 1437, 1441-42 (1991).

at Dawson, assign Channel 251C3 at Leary, and to modify the license of Station WAZE accordingly.

Respectfully submitted,

TRI-COUNTY BROADCASTING
COMPANY
&
MONTEZUMA BROADCASTING

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January 4, 1994

REPLY COMMENTS
COUNTERPROPOSAL TO MM DOCKET #93-270
RM-8323 RM-8339 ON BEHALF OF
TRI-COUNTY BROADCASTING COMPANY
AND MONTEZUMA BROADCASTING
January 1994

Technical Exhibit
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INTRODUCTION

1. Tri-County Broadcasting Company ("Tri-County") and Montezuma Broadcasting ("Montezuma") jointly filed a timely counterproposal in reply to MM Docket #93-270 requested by Dawson Broadcasting Company ("DBC") and Radio Cordele, Inc ("RCI"). The docket proposes a lateral switch from Channel 252A to Channel 236A at Cordele, Georgia, and an upgrade from Channel 251A to Channel 251C3 at Dawson, Georgia. DBC later counterproposed an upgrade scheme (their Option II) whereby Channel 251A is deleted at Dawson, Georgia, and Channel 251C3 is added as first service to Leary, Georgia. The Tri-County/Montezuma counterproposal, through a incompatible channel swap, proposes to increase WQSY (FM) (formerly known as WCEH-FM), Hawkinsville, Georgia, from Class C3 to Class C2, and increase the vacant Montezuma, Georgia, allocation from Class A to Class C3. Tifton Broadcasting Corporation ("TBC") filed a counterproposal to suggest the upgrading of WJYF, Nashville, Georgia, from Class C3 to Class C2. Tri-County and Montezuma both endorse the DBC upgrade Option II because it is compatible with the Hawkinsville upgrade from Class C3 to Class C2 and the Montezuma upgrade from Class A to Class C3.

RCI PROPOSAL

2. RCI proposes a lateral move from Channel 252A to Channel 236A. RCI alludes to the fact that if ordered to Channel 236A, a future "one-step" application for Class C3 will be filed for WKKN (FM), Cordele, Georgia. This "pie-in-the-sky" assertion is made in an attempt to give more weight to the simple lateral exchange of one Class A for another Class A. In fact, exchanges of Class A channels would offer no gain, loss or other enhancement to the Class A service. Exhibit #1 is the Channel 252A Allocation Study for RCI's WKKN indicating all spacing requirements are met. Commission policy has established that all adequately spaced FM channels of the same class are equal; therefore, a change of Class A channels for RCI is not necessary. There is no opportunity to file a one-step upgrade on Channel 252A, the present RCI channel. Neither could RCI file a protected one-step application for Channel 236C3. The Report and Order of MM Docket #92-159 specifically limits one-step upgrades to co-channels, adjacent channels and IF channels.

3. The initial RCI Rule Making feared that, if DBC began broadcasting on Channel 251A, interference for WKKN would be created on first adjacent Channel 252A. Specifically, the towns of Leesburg and Smithville, Georgia, were mentioned as being vital for WKKN's economic survival.

From the present WKKN transmitter site (North Latitude 31° 57' 26" and West Longitude 83° 46' 08") Smithville, Georgia, is a distance of 46.41 kilometers at 262.14 degrees. Leesburg, Georgia, is a distance of 45.45 kilometers at 236.63 degrees from the WKKN transmitter. All FM stations are only given protection to the 60 dBu contour. Smithville and Leesburg, Georgia, are at distances greatly exceeding the RCI 60 dBu contour. Please note that WKKN is an underdeveloped Class A station only licensed to operate at 3.0 kilowatts from 91 meters height above average terrain. A sure method to increase any station's coverage would be to increase the facility to the maximum for its class. RCI can immediately use this remedy and increase to the maximum facility allowable for a Class A station. The typical 60 dBu extends only 28.3 kilometers. Even if WKKN were a maximum Class A facility, Smithville and Leesburg would receive a signal of less than 51 dBu regardless of what Class A channel was utilized.

DBC PROPOSAL

5. Tri-County/Montezuma support the DBC Upgrade Option II which proposes Channel 251A be deleted at Dawson, Georgia, and Channel 251C3 be allotted to Leary, Georgia. This plan does not require any change of the Channel 252A allotment for Cordele, Georgia, and can, therefore, co-exist with the Tri-

County/Montezuma upgrades at Hawkinsville and Montezuma, Georgia. This collectively allows two upgrades and the commencement of new service to the previously unserved locality of Leary, Georgia. Leary is in Calhoun County. According to the 1990 Census, no part of Calhoun County is in any urbanized area. The current Channel 251A allotment serves 33,006 persons in its projected 60 dBu contour. The Leary Channel 251C3 proposal will serve 126,430 persons, producing a gain of 93,424 persons in an additional 2295.8 square kilometers. The 60 dBu contour of the Dawson Channel 251A allotment does not presently serve Leary.

6. From the theoretical reference coordinates supplied by DBC, the 60 dBu coverage from Channel 251C3 proposed for Leary, Georgia, does not encompass Dawson, Georgia, the former Class A city of license. However, if the station was constructed at the coordinates of North Latitude 31° 26' 10" and West Longitude 84° 28' 38", all allocation requirements would be satisfied and the proposed 60 dBu contour would serve approximately 80 percent of Dawson (see Exhibit #2).

7. DBC Option I, as in Option II discussed above, requests the presently allotted Channel 251A at Dawson be deleted and Channel 251C3 be allocated to Leary, Georgia. The only difference is that Option I requests that Channel

252A at Cordele, Georgia, be changed to Channel 236A.

Through discussions and exhibits in these instant comments, it is demonstrated that the Cordele, Georgia, substitution is not needed. Option I produces a population gain of 93,424 persons and 2295.8 square kilometers. Included in these figures is a population loss of 9,311 persons and an area loss of 1,325.2 square kilometers served by Channel 251A at Dawson and not served by Channel 251C3 at Leary. This loss is illusionary, since Channel 251A has never been on the air in Dawson, Georgia. This loss is only theoretical. The reallocation of Channel 251A from Dawson leaves the city with WHIA (AM) operating on 990 kHz, 1.0 kW Day.

8. Option III simply restates the original DBC proposal requesting Channel 251A be deleted at Dawson and Channel 251C3 be substituted. Again, this option proposes a lateral channel swap (236A for 252A) at Cordele, Georgia. Option III offers a population gain of 105,144 persons and an area gain of 2,281 square kilometers.

TBC PROPOSAL

9. TBC has proposed Channel 237C2 be substituted for Channel 237C3 presently allotted to Nashville, Georgia. Exhibit #3 illustrates that this is in conflict with not

only RCI's Options I and III substituting Channel 236A for Channel 252A at Cordele, but it is also in conflict with the Tri-County proposal to substitute Channel 236C2 for Channel 280A at Hawkinsville, Georgia. The TBC presently authorized Class C3 60 dBu is completely within the 60 dBu of its Class C2 proposal. 216,966 persons reside within the TBC Class C2 contour, while 137,400 persons reside within the presently authorized Class C3 contour. Therefore, TBC proposes a population gain of 79,565 persons and 3755.5 square kilometers if Channel 237C2 were allotted to Nashville, Georgia.

TRI-COUNTY PROPOSAL

10. The Tri-County proposal will result in the substitution of Channel 236C2 for Channel 280C3 at Hawkinsville, Georgia. This increases the population served from 69,403 persons to 195,844 persons, producing a total gain of 126,441 persons. The area in square kilometers is increased from 4783.8 to 8547.9, producing a total gain of 3761.1 square kilometers. These figures include the loss of 60 dBu service to 3,050 persons in 382.7 square kilometers. Please note that Class C3 service has not yet commenced at Hawkinsville. The present Class A service is totally encompassed in the proposed Class C2 60 dBu. Therefore, there is no actual loss area (see Exhibit #4).

MONTEZUMA BROADCASTING PROPOSAL

11. The Montezuma proposal will result in the substitution of Channel 280C3 for Channel 236A at Montezuma, Georgia. This increases the population served from 34,036 persons to 90,796, or a gain of 56,760 persons. The area served increases by 2265.2 square kilometers, increasing from 2502.9 to 4768.1 square kilometers. This Class C3 upgrade completely encompasses the Class A allotment 60 dBu providing no loss area (see Exhibit #5).

CONCLUSION

12. No other upgrade option or combination of options serves more population and land area than the combination of the Tri-County/Montezuma plan and the DBC Option II. This results in first local service licensed to Leary, Georgia, and upgrades in Hawkinsville and Montezuma, Georgia, serving an additional 276,625 persons.